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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,484	04/17/2001	Lisette Cooper	11910-003001	8521

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EXAMINER
CHENCINSKI, SIEGFRIED E

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/836,484	COOPER ET AL.
	Examiner	**Art Unit**	
	Siegfried E. Chencinski	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 April 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _2/22/02_.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Specification

1.   The disclosure is objected to because it contains an embedded hyperlink and/or

other form of browser-executable code. Applicant is required to delete the embedded

hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

2.   Claim 13 is objected to because of the following informalities: The claim does

not contain the required transitional phrase. Applicant is advised to distinguish the body

of the claim from the preamble with a proper transitional phrase.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or
composition of matter, or any new and useful improvement thereof, may obtain a patent therefor,
subject to the conditions and requirements of this title.

3.   **Claims 1-12 AND 14-26 are rejected** because the claimed invention is directed

to non-statutory subject matter. The rejected claims lack technological art and are not

directed to any one of the areas of patentable subject matter, such as product, process,

process of making or composition.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

        1) In the claim, the practical application of an algorithm or idea results in a useful,
concrete, tangible result,
                        AND
        2)The claim provides a limitation in the technological arts that enables a useful,
concrete, tangible result.

        The invention in the body of the claim must recite technology. If the invention in
the body of the claim is not tied to technological art, environment, or machine, the claim

is not statutory. Ex parte Bowman 61USPQ2d 1665, 1671 (BD. Pat. App. & Inter. 2001) (Unpublished).

According to the above guidelines, Applicant's claims are limited to the manipulation of abstract ideas in the context of patentability.

Applicant is advised to satisfy the statutory requirements for the claims. Applicant is also advised not to add any new matter to the specification or the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1-13 are rejected** under 35 U.S.C. 103(a) as being disclosed by Gatto (US PreGrant Publication 2003/0065601 A1) in view of Applicant disclosed prior art, Official Notice and Jones et al. (US Patent 6,021,397).

Re. Claim 1, Gatto discloses a method comprising displaying to a user the measurements, analysis and tracking of past performance of financial assets such as securities. Gatto further discloses allowing a user to choose from a multitude of predetermined analysis parameters and metrics for calculation and visualization for a plurality of time periods (Abstract, ll. 1-3, 18-21). Gatto also discloses the use of overlays in graphic visualization displays ([0024], [0025], [0026], [0027]). Gatto does not explicitly disclose displaying to a user a circular visualization element having sectors arranged around a center of the element, the sectors respectively corresponding to different groups of assets, in each of the sectors, displaying an array of visual elements representative of respective assets belonging to the group to which the sector corresponds, the visual elements being arrayed with respect to distance from the

center in accordance with magnitudes of performance of the assets during a recent period. However, the use of circular elements is well known, as is the display of multiple parameters or metrics within a single display, whether circular, rectangular, x/y axis, multi dimensional and so forth. Also well known is using a linear scale emanating from a circle's center outward on the radials with scale values represented in various ways, such as hash marks on the radials or as full circles which automatically intersect with every radial. Circular visualizations can be divided into sectors which are well known, one well known version of which is a pie chart disclosed by Jones which could readily be used to present different groups of asset securities (Col. 1, l. 37). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have applied the disclosure of Gatto with that of Jones, Applicant's admitted prior art and with the well known visualization display techniques of circular visualization elements having sectors arranged around a center of the element and having additional metrics incorporated into each sector, motivated by the desire to provide users with improved tools for effectively viewing historical estimates, projections and recommendations regarding financial assets such as securities (Gatto, [0008]).

Re. Claim 2, neither Gatto nor Jones explicitly visual elements which display dots, one for each of the assets. However, Applicant discloses a prior art method in which the visual elements comprise displayed dots, one for each of the assets (Specification, p. 1, ll. 14-15, which displays a dot for each asset (http://screen.morningstar.com/InvestmentRadar/InvestmentRadar.html)).

It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have applied the disclosure of Gatto with that of Jones, Applicant's admitted prior art and with the well known visualization display techniques in which display visual elements comprise displayed dots, one for each of the assets, motivated by the desire to provide users with improved tools for effectively viewing historical estimates, projections and recommendations regarding financial assets such as securities (Gatto, [0008]).

Re. Claim 3, neither Gatto nor Jones explicitly disclose visual elements which exhibit visible characteristics that correspond to categories of the assets within the group. However, Applicant discloses a prior art method in which the visual elements exhibit visible characteristics that correspond to categories of the assets within the group (Specification, p. 1, II. 14-15, which displays categories of assets within the group (http://screen.morningstar.com/InvestmentRadar/InvestmentRadar.html)). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have applied the disclosure of Gatto with that of Jones, Applicant's admitted prior art and with the well known visualization display techniques in which the visual elements exhibit visible characteristics that correspond to categories of the assets within the group, motivated by the desire to provide users with improved tools for effectively viewing historical estimates, projections and recommendations regarding financial assets such as securities (Gatto, [0008]).

Re. Claim 4, neither Gatto nor Jones nor Applicant explicitly disclose categories of the assets within the group which correspond to different capitalizations. However, it is well known that financial assets such as securities are segmented into different capitalization categories. Popular versions of this are small cap and large cap funds and indexes. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have applied the disclosure of Gatto with that of Jones, Applicant's admitted prior art and with the well known visualization display techniques in which the categories of the assets within the group correspond to different capitalizations, motivated by the desire to provide users with improved tools for effectively viewing historical estimates, projections and recommendations regarding financial assets such as securities (Gatto, [0008]).

Re. Claim 5, neither Gatto nor Jones nor Applicant explicitly disclose dots which are arranged along a radius of the sector to which they belong. However, Gatto discloses a data visualization technique on a chart or graph to display simultaneously the numerical representation of a plurality of financial parameters of financial security assets, such as performance metrics provided by security analysts ([0026]) and for a plurality of assets ([0029]-I. 3). Circular graphic displays are commonly used in conveying financial and

non-financial data at a glance. Jones discloses the pie chart, one of the best known applications of a circular display (Col. 1, l. 37). The simplest version only features one parameter, but multiple parameters are also in wide use. The details depend on the information to be conveyed in a visual display. Applicant has merged a circular display with a plurality of x/y axis displays. The x axis can be a circle and the y axis can be a corresponding radial of the circle placed wherever the display's purpose warrants the y=0 location to be, whether at the center of the circle, at the outside limit of the circle, or in between. The zero value of y is on the radial and the positive and negative values of the y axis are on the circles which hare normal to the radials of the circle. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have applied the disclosure of Gatto with that of Jones, Applicant's admitted prior art and with the well known visualization display techniques of circular graphic data displays in which dots are arranged along a radius of the sector to which they belong, motivated by the desire to provide users with improved tools for effectively viewing historical estimates, projections and recommendations regarding financial assets such as securities (Gatto, [0008]).

Re. Claim 6, neither Gatto nor Jones nor Applicant explicitly disclose dots that lie on the radius at a given distance from the center are displayed at different angular positions near to the radius. However, the use of the radial x/y axes display would lend itself to this result. As per claim 5, an ordinary practitioner of the art would have known that the location of dots within a circular display is flexible and depends on what the practitioner wants to communicate visually. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have applied the disclosure of Gatto with that of Jones, Applicant's admitted prior art and with the well known visualization display techniques of circular graphic data displays in which dots that would otherwise lie on the radius at a given distance from the center are displayed at different angular positions near to the radius, motivated by the desire to provide users with improved tools for effectively viewing historical estimates, projections and recommendations regarding financial assets such as securities (Gatto, [0008]).

Re. Claim 7, neither Gatto nor Jones nor Applicant explicitly disclose a method in which the sectors have angular extents that represent the fractions of the total number of asset items represented by the respective sectors. However, the angular extents of circular displays are a fundamental facility of the circular display popularly known as a pie chart. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have applied the disclosure of Gatto with that of Jones, Applicant's admitted prior art and with the well known visualization display techniques of circular graphic data displays in which the sectors have angular extents that represent the fractions of the total number of asset items represented by the respective sectors, motivated by the desire to provide users with improved tools for effectively viewing historical estimates, projections and recommendations regarding financial assets such as securities (Gatto, [0008]).

Re. Claim 8, neither Gatto nor Jones nor Applicant explicitly disclose a method in which the circular visualization element is subdivided into rings having respectively different distances from the center. However, it is well known in the art of circular geometric displays of data that values displayed on the radials of a circle show their values through respectively different distances from the center. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have applied the disclosure of Gatto with that of Jones, Applicant's admitted prior art and with the well known visualization display techniques of circular graphic data displays in which the circular visualization element is subdivided into rings having respectively different distances from the center, motivated by the desire to provide users with improved tools for effectively viewing historical estimates, projections and recommendations regarding financial assets such as securities (Gatto, [0008]).

Re. Claim 9, neither Gatto nor Jones explicitly disclose a method in which the rings are displayed in different colors. However, the use of different colors to differentiate or emphasize various attributes is well known and is admitted prior art by Applicant (Specification, p. 1, ll. 14-15, which displays categories of assets within the group and which uses a variety of

colors to differentiate characteristics of assets

(http://screen.morningstar.com/InvestmentRadar/InvestmentRadar.html).

Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have applied the disclosure of Gatto with tha tof Jones, Applicant's admitted prior art and with the well known visualization display techniques of circular graphic data displays in which the rings are displayed in different colors, motivated by the desire to provide users with improved tools for effectively viewing historical estimates, projections and recommendations regarding financial assets such as securities (Gatto, [0008]).

Re. Claim 10, neither Gatto nor Jones nor Applicant explicitly disclose a method in which magnitudes of performance of the assets are measured in percentage price change. However, Gatto discloses performance time series of financial assets. Gatto also discloses the facility for a user to obtain earnings growth data which the user can then display in table and graphic form ([0136]-ll. 8-9; Fig. 14, center left). Growth rates are percentage price changes which are positive or negative. Such percentage price changes are one of the most fundamental measures used in measuring stock securities performance are among the most frequently cited metrics of financial asset performance. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have applied the disclosure of Gatto with that of Jones, Applicant's admitted prior art and well known visual display techniques for data in which the magnitudes of performance of the assets are measured in percentage price change, motivated by the desire to provide users with improved tools for effectively viewing historical estimates, projections and recommendations regarding financial assets such as securities (Gatto, [0008]).

Re. Claim 11, neither Gatto nor Jones nor Applicant explicitly disclose a method in which the recent period comprises a trading day on an asset market. However, Gatto discloses a method in which the recent period comprises a trading day on an asset market ([0005]-ll. 9-12. A trading day is included in Gatto's range of periods. A trading day is a fundamental data point in all publicly traded securities data. The number of shares traded in each security is primarily reported for each trading day and is

summed up to various aggregates of securities for each stock market). A security's closing price for each trading day is almost universally used to value security holdings of many kinds. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have applied the disclosure of Gatto with that of Jones, Applicant's admitted prior art and well known visual display techniques for data, in which the recent period comprises a trading day on an asset market, motivated by the desire to provide users with improved tools for effectively viewing historical estimates, projections and recommendations regarding financial assets such as securities (Gatto, [0008]).

Re. Claim 12, Gatto discloses method in which the assets comprise securities issued by corporations (Abstract, II. 1-3; [0001]. Gatto inherently deals with the tracking and analysis of the securities issued by corporations.

Re. Claim 13, Gatto discloses a displayed visualization element comprising displaying to a user the measurements, analysis and tracking of past performance of financial assets such as securities. Gatto further discloses allowing a user to choose from a multitude of predetermined analysis parameters and metrics for calculation and visualization for a plurality of time periods (Abstract, II. 1-3, 18-21). Gatto also discloses the use of overlays in graphic visualization displays ([0024], [0025], [0026], [0027]). Gatto does not explicitly disclose a displayed visualization element that is circular, has sectors arranged around a center of the element, the sectors respectively corresponding to different groups of securities issued by corporations, in each sector, has an array of dots representing respective securities belonging to the group to which the sector corresponds, each of the dots lying on or near a radius of the sector and each having a distance from the center along the radius that corresponds to the percentage change in the price of the represented security during a trading day, and has differently colored rings at respectively different distances from the center. However, the same considerations which are cited in the rejections of claims 1-12 would have made it obvious to an ordinary practitioner at the time of Applicant's invention to have combined the disclosures of Gatto, Applicant's admitted prior art and well known practices in the art in order to provide the claimed visualization element of this claim to

users, motivated by the need for providing financial advice to individuals which will assist them to reach their goals (Jones, Col. 2, II. 13-17).

5.   **Claims 14-16, 18, 19, 22 and 23 are rejected** under 35 U.S.C. 103(a) as being disclosed by Makivic (US Patent 6,061,662) in view of Official Notice.

Re. Claim 14, Makivic discloses a method of displaying of probability information concerning the future value of a financial security. Makinic does not explicitly disclose a method comprising displaying to a user a visualization element that indicates the odds of a performance measure of an asset being within specified ranges of identified values of the performance measure at a succession of times in the future. However, a probability of a future event is the same as the odds of a future event. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention that a probability has to relate to the odds of some specific measure or range which is less than the possibility of all future outcomes, which are 1 or 100%. Therefore, an ordinary practitioner of the art would have found it obvious to use the disclosure of Makivic to display probability information of a certain range of future performance outcomes of a financial asset, motivated by an increased demand for on-line services in the area of investment decisio9n support resources (Makivic, Col. 2, II. 50-53).

Re. Claim 15, Makivic discloses a method in which the performance measure comprises a price of the asset (title – valuation of a financial instrument; Fig. 2).

Re. Claim 16, Makivic discloses a method in which the performance measure comprises a return percentage (Col. 5, I. 20-21. Security returns are inherently expressed in percentages).

Re. Claim 18, Makivic does not explicitly disclose a method in which the visualization element include stripes superimposed on a graph of the performance measure over time, each of the stripes representing one of the specified ranges. However, the superimposing of stripes on a graph is a well known way of distinguishing and highlighting data on a graphic display. Therefore, an ordinary practitioner of the art would have found it obvious to combine the disclosure of Makivic with the well known technique of superimposing of stripes on a graph in order to display performance

measure over time, motivated by an increased demand for on-line services in the area of investment decision support resources (Makivic, Col. 2, II. 50-53).

Re. Claim 19, Makivic does not explicitly disclose a method in which each of the stripes begins at a current time and becomes broader as it extends to future times. However using stripes which become broader as a time series changes with a parameter is a well known display technique variation of using stripes. Therefore, an ordinary practitioner of the art would have found it obvious to combine the disclosure of Makivic with the well known technique of superimposing of stripes of increasing broadness on a graph in order to display performance measure over time, motivated by an increased demand for on-line services in the area of investment decision support resources (Makivic, Col. 2, II. 50-53).

Re. Claim 22, Makivic does not explicitly disclose a method in which the visualization element includes two portions, one of the portions representing the odds prior to a specified date based on one assumption, the other of the portions representing the odds after the specified date based on another assumption. However, the displaying of before and after scenarios on one tabular or graphic display is a well known technique for demonstrating the impact of an assumption. Therefore, an ordinary practitioner of the art would have found it obvious to combine the disclosure of Makivic with the well known technique of displaying of before and after scenarios on one tabular or graphic display is a well known technique for demonstrating the impact of an assumption, motivated by an increased demand for on-line services in the area of investment decision support resources (Makivic, Col. 2, II. 50-53).

Re. Claim 23, Makivic does not explicitly disclose a method in which the specified date is a date on which tax effects change from the one assumption to the other assumption. However, the displaying of before and after scenarios on one tabular or graphic display is a well known technique for demonstrating the impact of an assumption or the change in assumptions. Displaying the results of a change in tax assumptions is one example of using the well known technique of displaying the effects of a change in assumptions. Therefore, an ordinary practitioner of the art would have found it obvious to combine the disclosure of Makivic with the well known technique of displaying of

20. The method of claim 14 also including

before and after scenarios on one tabular or graphic display is a well known technique for demonstrating the impact of a change in assumptions, motivated by an increased demand for on-line services in the area of investment decision support resources (Makivic, Col. 2, II. 50-53).

6.   Claim 17 is rejected under 35 U.S.C. 103(a) as being disclosed by Makivic in view of Official Notice and Jones.

Re. Claim 17, Makivic does not explicitly disclose a method in which the performance measure comprises a tax-adjusted return percentage. However, Jones discloses a method in which the performance measure comprises a tax-adjusted return percentage (Col. 8, II. 1-2). It would have been obvious for an ordinary practitioner of the art at the time of Applicant's invention to have combined the teachings of Makivic with those of well known prior art and Jones for the purpose of computing and displaying tax-adjusted return percentages, motivated by the need for providing financial advice to individuals which will assist them to reach their goals (Jones, Col. 2, II. 13-17).

7.   Claim 20 is rejected under 35 U.S.C. 103(a) as being disclosed by Makivic in view of Official Notice and Gatto.

Re. Claim 20, Makivic does not explicitly disclose a method of displaying a graphical device that shows actual historical values of the performance measure. Gatto discloses displaying a graphical device that shows actual historical values of the performance measure (Fig. 2). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Makivic with well known prior art and the art of Gatto in order to display a graphical device that shows actual historical values of the performance measure, motivated by the desire to provide users with improved tools for effectively viewing historical estimates, projections and recommendations regarding financial assets such as securities (Gatto, [0008]).

8.   Claim 21 is rejected under 35 U.S.C. 103(a) as being disclosed by Makivic in view of Official Notice, Gatto and Applicant admitted prior art (E Trade.com, Window printed line graph image dated 7/17/2000).

Re. Claim 21, Makivic does not explicitly disclose a method in which the graphical device that shows actual historical values is a line graph one end of which joins the visualization element at a point which represents a current date. However, E Trade.com carries line graphs which show actual historical values one end of which joins the visualization element at a point which represents a current date. It would have been obvious for an ordinary practitioner of the art at the time of Applicant's invention to have combined the teachings of Makivic with well known prior art, Gatto and those of Applicant's admitted prior art of E Trade for the purpose showing actual historical values in a line graph one end of which joins the visualization element at a point which represents a current date, motivated by an increased demand for on-line services in the area of investment decision support resources (Makivic, Col. 2, ll. 50-53).

9.   Claims 24-26 are rejected under 35 U.S.C. 103(a) as being disclosed by Gatto in view of archive.com's Wayback Machine (yahoo.com - November 16, 1999 and msn.com - November 28, 1999, hereafter the Wayback Machine).

Re. Claim 24, Gatto discloses a method comprising displaying to a user the measurements, analysis and tracking of past performance of financial assets such as securities. Gatto further discloses allowing a user to choose from a multitude of predetermined analysis parameters and metrics for calculation and visualization for a plurality of time periods (Abstract, ll. 1-3, 18-21). Gatto does not explicitly disclose a method comprising displaying to a user a visualization element having graphical indicators of the relative performance of a selected asset compared with the performance of groups of assets in each of a succession of time periods, each of the groups comprising assets representing a common style. However, the visualization element having graphical indicators of the relative performance of a selected asset

                                                                    compared with the

performance of groups of assets in each of a succession of time periods were well known at the time of Applicant's invention. The stock market reporting industry has been using such graphics to display comparative information in graph form for many years. The Wayback Machine makes available snapshots of such web access from 1999. These links connect to current stock market data since they are unable to replicate the real time market activity of that time, but they show that those links existed prior to Applicant's invention. The features of the stock quote mechanisms include comparative line graphs of a specific stock and one or more indexes. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Gatto with the well known art demonstrated by publicly accessible online stock market displays to display to a user a visualization element having graphical indicators of the relative performance of a selected asset compared with the performance of groups of assets in each of a succession of time periods, each of the groups comprising assets representing a common style, motivated by the desire to provide users with improved tools for effectively viewing historical estimates, projections and recommendations regarding financial assets such as securities (Gatto, [0008]).

Re. Claim 25, Gatto discloses a method in which the style comprises a class of investment objectives (Abstract; [0001]; [0008]; [0009]. Gatto's disclosure is inherently focused helping a user view information relating to the user's chosen classes of investment objectives, and making it easier to see visual graphic displayed of such data.).

Re. Claim 26, Gatto does not explicitly disclose a method in which the relative performance is determined using an asset class factor model. However, as stated in various ways in the rejections of claims 1-25, the art of graphically displaying data such as time series in simple or comparative ways over time was well known prior to Applicant's invention. Applicant's data from an asset class factor model lend themselves to the same well known art. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Gatto and archive.com's Wayback Machine with the well known art to display to a user a visualization element having graphical indicators of the relative performance of a

selected asset compared with the performance of groups of assets in each of a succession of time periods, each of the groups comprising assets representing a common style, motivated by the desire to provide users with improved tools for effectively viewing historical estimates, projections and recommendations regarding financial assets such as securities (Gatto, [0008]).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on (571) 272-6799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

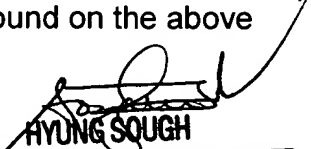Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

or *(571)273-8300*   [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792   [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

August 27, 2005

HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600